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Attorneys for Defendant
 BIG O TIRES, LLC

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

SONOMA TIRES, INC., a California
 Corporation,

Plaintiff,

v.

BIG O TIRES, LLC, a Colorado Limited
 Liability Company,

Defendant.

Case No. C 11-0818 RS

**STIPULATION FOR LEAVE TO FILE
 ANSWER TO FIRST AMENDED
 COMPLAINT WITH
 COUNTERCLAIMS AND [PROPOSED]
 ORDER**

[L.R. 7-12]

Defendant Big O Tires, LLC ("Big O") and Plaintiff Sonoma Tires, Inc. ("Sonoma Tires") (collectively, "Parties"), by and through their respective undersigned counsel, hereby stipulate and jointly request that the Court issue its Order as follows:

1. Sonoma Tires filed its Complaint on February 22, 2011;
2. Sonoma Tires filed its First Amended Complaint on March 15, 2011;
3. Big O answered the Complaint on April 8, 2011. Big O now seeks to file an answer to Sonoma Tires' First Amended Complaint with counterclaims against Sonoma Tires and its principal and guarantor, John G. Rhie, IV ("Rhie");
4. The Parties have met and conferred and, while Sonoma Tires disputes the contents of the proposed answer and counterclaims and will deny the counterclaims, the parties agree to avoid a motion for leave to file that Big O may

1 file and serve its Answer to Plaintiff's First Amended Complaint With
2 Counterclaims in this action in substantially similar form to **Exhibit A** hereto;

- 3 5. The parties further agree that Sonoma Tires and Rhiel shall have thirty (30) days
4 from the date of service of Big O's Answer to Plaintiff's First Amended
5 Complaint With Counterclaims to respond thereto.

6 **IT IS SO STIPULATED.**

7 **SEYFARTH SHAW LLP**

8 Dated: August 5, 2011

By /s/ Joseph J. Orzano
Joseph J. Orzano
Attorneys for Defendant
BIG O TIRES, LLC

11 **LAGARIAS & BOULTER, LLP**

12 Dated: August 5, 2011

By /s/ Peter C. Lagarias
Peter C. Lagarias
Attorneys for Plaintiff
SONOMA TIRES, INC.

16 **[PROPOSED] ORDER**

17 **PURSUANT TO STIPULATION, IT IS SO ORDERED,**

- 18 1. Defendant Big O Tires, LLC, is hereby granted leave to file its Answer to Plaintiff's First
19 Amended Complaint With Counterclaims without further motion, hearing, or other
20 proceedings; and
21 2. Sonoma Tires, Inc. and John G. Rhiel, IV shall have thirty (30) days from the date of
22 service of Big O's Answer to Plaintiff's First Amended Complaint With Counterclaims to
23 respond thereto.

24 Dated: 8/5/11

25 
26 The Honorable Richard Seeborg